

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES SUMMERS,**

**Plaintiff,**

**v.**

**Case No. 2:15-cv-704**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Elizabeth P. Deavers**

**OHIO ADULT PAROLE AUTHORITY,**

**Defendant.**

**OPINION AND ORDER**

This matter is before the Court for consideration of the Magistrate Judge's March 13, 2015 Order and Report and Recommendation (ECF No.9) and Plaintiff's objections (ECF No. 10). Plaintiff, James Summers, is an Ohio inmate who filed an essentially unclear complaint in which it appears that he is asserting that the Ohio Adult Parole Authority specifically and Ohio's system of incarceration generally apply arbitrary and unfair rules to the incarcerated, resulting in his unlawful incarceration. The Magistrate Judge conducted an initial screen and recommended that the Court should dismiss Plaintiff's claims under 28 U.S.C. §§ 1915(e)(2)(B) and 1914A. (ECF No. 9, at Page ID # 45.) Plaintiff objects to this recommendation. Briefing on the objection has closed, and the Order and Report and Recommendation and objections are ripe for disposition.

When a party objects within the allotted time to a report and recommendation, the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Plaintiff's objections are as difficult to decipher as his complaint, if not more so. It appears that in both of his objections, Plaintiff is simply repeating the core allegations of his complaint, but with some greater detail. Specifically, Plaintiff alleges that those prisoners subject to flat-time sentences and those who are not often serve different periods of incarceration. The Magistrate Judge correctly explained that this action cannot afford Plaintiff the means to attack his sentence. The Magistrate Judge also correctly explained that Plaintiff has failed to set forth facts that even suggest that he has been treated differently than other similarly-situated prisoners so as to present an equal protection claim. This Court agrees with the Magistrate Judge.

For the foregoing reasons, the Court **OVERRULES** Plaintiff's objections (ECF No. 10), **ADOPTS** and **AFFIRMS** the Order and Report and Recommendation (ECF No. 9), and **DISMISSES** the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1914A. The Clerk shall enter judgment accordingly and terminate this case on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE